

## **Editorial**

This edition of PER consists of eight contributions; six articles and two notes. In the first article, [Angelo Dube](#) analyses the interaction amongst African States that eventually led to the development of universal jurisdiction regulations within their individual legal systems to determine if one can say that there is indeed an African signature in those legal rules. [Anél Ferreira-Snyman](#) deals with the rapid development of space technology and space flight which has rendered article IV of the Outer Space Treaty dealing with the military use of outer space outdated and in dire need of change. [Moses Phoko's](#) article investigates whether the Southern African Development Community (SADC) Tribunal has jurisdiction to deal with cases involving allegations of human rights violations. Analogous to the situation of Chinese people in South Africa who chose to be defined as "Black People" in terms of the *Employment Equity Act* 55 of 1998 as well as the *Broad Based Economic Empowerment Act* 53 of 2003, [Enyinna Nwauche](#) examines the possibility that people living under a system of customary law may change their legal system by choosing another one. The last two articles, written in two parts by [Andre Louw](#), deals with the *Employment Equity Act* 55 of 1998. In the [first part](#), he critically examines the organising principle of the affirmative provisions of this Act and assesses if it is in line with the constitutional requirements for a legitimate affirmative action programme or measure. In the [second part](#), he critically evaluates the Constitutional Court judgment in *South African Police Service v Solidarity obo Barnard* 2014 6 SA 123 (CC), and highlights what he thinks the biggest areas of disappointment of this judgment are within the context of South Africa's equality jurisprudence.

In the first of two notes, [Zsa-Zsa Boggenpoel](#) analyses the Constitutional Court's use of the common law remedy of *mandament van spolie* in *Ngqukumba v Minister of Safety and Security* 2014 5 SA 112 (CC). In the second note and last contribution of this edition, [Petronell Kruger](#) discusses the case of *Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa* 2011 5 SA 87 (WCC), which dealt with the challenges faced by persons with disabilities relating to access to education in South Africa.

Editor: Prof C Rautenbach